

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Dec 10, 2024**

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Gabriel Joshua Kindness

Case Number: 0980 1:18CR02053-SAB-1

Address of Offender: [REDACTED], Yakima, Washington 98901

Name of Sentencing Judicial Officer: The Honorable Salvador Mendoza, Jr., U.S. District Judge

Name of Sentencing Judicial Officer: The Honorable Stanley A. Bastian, Chief U.S. District Judge

Date of Original Sentence: March 29, 2019

Original Offense: Felon in Possession of Ammunition, 18 U.S.C. §§ 922(g)(1) and 924(a)(2)

Original Sentence: Prison - 37 months
TSR - 36 months

Type of Supervision: Supervised Release

Revocation Sentence: Prison - Credit for Time
(10/3/2023) Served (34 days)
TSR -14 months

Asst. U.S. Attorney: Todd Swenson

Date Supervision Commenced: October 10, 2023

Defense Attorney: Juliana M Van Wingerden

Date Supervision Expires: December 15, 2024

PETITIONING THE COURT

To incorporate the violation contained in this petition in future proceedings with the violations previously reported to the Court on May 21, and June 18, 2024.

On October 4, 2023, supervised release conditions were reviewed and signed by Mr. Kindness acknowledging an understanding of his conditions.

The probation officer believes that the offender has violated the following condition of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
-------------------------	--------------------------------

4

Special Condition #4: You must abstain from the use of illegal controlled substances, and submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Kindness is alleged to have violated his conditions of supervised release by consuming a controlled substance, amphetamine methamphetamine, on or about November 25, 2024.

On November 25, 2024, Mr. Kindness reported to the office as instructed and provided a urinalysis (UA) that tested presumptive positive for amphetamine and methamphetamine.

Prob12C

Re: Kindness, Gabriel Joshua
December 10, 2024
Page 2

Mr. Kindness denied consuming any controlled substances, but mentioned that he had taken some over-the-counter flu medication. The UA was sent to the Alere Laboratory (Alere) for confirmation.

On December 10, 2024, this officer received the results from Alere showing the UA collected on November 25, 2024, was confirmed positive for the presence of amphetamine and methamphetamine.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation contained in this petition in future proceedings with the violations previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 12/10/2024

s/Kyle Mowatt

Kyle Mowatt
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

12/10/2024

Date